IN RE: PETITION FOR SPECIAL HEARING & \* BEFORE THE ZONING VARIANCE

NE/S Cardwell Avenue, 1094 ft. \* ZONING COMMISSIONER from c/l Belair Road 4242 Cardwell Avenue

14th Election District \* Case No. 92-182-SPHA

6th Councilmanic District Philip E. Bertoldi petitioner

\*\*\*\*\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* OF BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance filed by the property owner, Philip E. Bertoldi, for that property known as 4242 Cardwell Avenue. As to the Petition for Zoning Variance, the Petitioner seeks an exemption from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum lot width of 50 ft. in lieu of the required 55 ft. in a D.R. 5.5 zone. Although not specifically noted on the Petition, the Petitioner also requires a variance from the minimum net lot area per dwelling unit requirement within Section 1B02.3.C.1; which mandates that the lot must be 6000 sq. ft. in area. The subject property is 5,850 sq. ft. Therefore, the Petition for Variance will be amended to reflect that request as well.

In the alternative, to the above referenced relief, the Petitioner seeks a variance from Section 304 of the B.C.Z.R. to permit development on an undersized single family lot. In conjunction with this request, Mr. Bertoldi has petitioned for a special hearing to address those requirements set forth in Section 304 and the Zoning Commissioner's Policy Manual to

determine if the erection of a 24 ft. imes 28 ft. rancher dwelling should be allowed on the property known as 4242 Cardwell Avenue. For the reasons set forth below, I shall grant the requested variances from Section 1802.3.C.1, thereby rendering moot any determination of the requested variance from Section 304 and the special hearing.

The Petitioner/property owner, Philip E. Bertoldi, appeared and testified at the public hearing. Also appearing and testifying on behalf of the Petition was Lorraine Gordon from the Linover Improvement Association, Inc. and Harry lmwold, who resides across the street. Appearing in opposition to the Petition was Jerry A. Walls, Lisa Ruxham, Leslie Kaleo and Harvey F. Swope. Both sides also submitted Petitions signed by numerous residents of this community both favoring and opposing the Petitioner's request.

The Petitioner testified that he originally owned two adjoining lots in the community, known as 4240 and 4242 Cardwell Avenue. Lot 4240 is improved with an existing dwelling which the Petitioner occupied. The lot known as 4242 was vacant and remains so. The Petitioner testified that he always intended on placing a second house on the vacant lot, however, suffered a series of personal tragedies in 1989 and 1990. Due to these unfortunate circumstances and financial difficulties, he sold the improved lot and dwelling thereon to Mr. Walls and Ms. Ruxham in November of 1990. It was disputed as to the exact nature of any representations made during that time, however, the Petitioner testified he advised the purchasers that he intended on returning to the neighborhood and developing the empty lot. Although, they acknowledge this conversation, Mr. Walls and Ms. Ruxham dispute the time frame which Mr. Bertoldi expressed for that construction.

In support of the Petition, Mr. Bertoldi noted that his is the only lot on that portion of Cardwell Avenue which is undeveloped. He described the area as an older subdivision consisting of homes similar in design and concept to that house which he proposes to construct. As is evident from the exhibits presented, this is an older subdivision and nearly all of the lots are undersized when compared with the current regulations.

Also testifying on behalf of the Petition was Mrs. Gordon and Mr. Imwold. Mrs. Gordon indicated that she concurred with Mr. Bertoldi's assessment that development of the property in the manner proposed would provide the only reasonable use for the subject lot. Mr. Imwold testified that Mr. Bertoldi had always kept good care of the properties when he was the owner/resident prior to November of 1990.

Mr. Walls and Ms. Ruxham testified that they do not want a house located on the lot immediately next door to their residence. Although acknowledging that Mr. Bertoldi had advised them that he intended to build, they stated that he indicated at the time of the sale of their lot that he had no plans to build for 3 or 4 years at the minimum. They also believed Mr. Bertoldi to be a land speculator and that he will build and sell/lease the house and not occupy same as he has indicated. They were concerned about depreciation of their property value and the dangers that the construction process may bring to their home.

Mr. Swope and Ms. Kaleo also appeared and testified in opposition of the Petition. They noted that there are other vacant houses on the street and that if Mr. Bertoldi wants to live in the neighborhood, he could purchase one of those available units. They also fear that he will build, then lease the property.

It is apparent that only by granting the requested variances, could the Petitioner enjoy any reasonable use of his property. Further, it is significant that the Petitioner's proposal is entirely consistent with the

neighborhood. I am particularly persuaded to grant the variance in view of the fact that all of the other lots in the immediate location are undersized. In addressing the Protestants' fears, I believe them to be unfounded. Mr. Bertoldi desires to place on the lot a use which is entirely consistent with the existing uses in the immediate location. That is, Mr. Bertoldi does not propose any commercial use, only to construct a dwelling similar in style to those in the community. Further, whether the property is either owner occupied or leased, is not a permissible consideration of my decision making process. Although open spaces are naturally preferable in a residential location, to deny the variances requested would unreasonably burden the property owner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

> 2) whe her the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

-4-

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this Lag of Dec., 1991, that the Petition for Special Hearing from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum lot width of 50 ft., in lieu of the required 55 ft.; and a lot of 5,850 sq. ft. in area, in lieu of the required 6,000 sq. ft. in area, in a D.R. 5.5 zone, in accordance with Petitioner's Exhib-No. 1, be and is hereby GRANTED, subject, however, to the restriction below which is a condition precedent to the relief granted herein; and,

IT IS FURTHER ORDERED that due to that portion of the Order granting a variance from Section 1B02.3.C.1 of the B.C.Z.R., the Petition for Zoning Variance from Section 304 and the Petition for Special Hearing is hereby rendered moot:

The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> LAWRENCE E. SCHMIL Zoning Commissioner for Baltimore County

LES:mmn

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 5, 1991

Mr. Philip E. Bertoldi 8907 Harford Road 2nd floor Baltimore, Maryland 21234

> RE: Petition for Special Hearing Case No. 92-182-SPH

Dear Mr. Bertoldi:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

1114 1 ∠ LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

cc: Ms. Lorraine Gordon

Mr. Harry Imwold Mr. Jerry A. Walls Ms. Leslie Kaleo Mr. Harvey F. Swope

Petition for Special Hearing to the Zoning Commissioner of Baltimore County 92-182-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve THE ERECTION OF A 24x28' RANGHER,

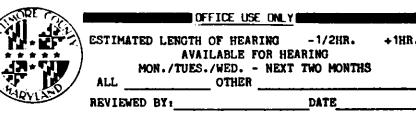
HIME IN THE ALORESAID PROPERTY KNOWN

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:	Legal Owner(s):	SERTOLDI
(Type or Print Name)	(Type or Print Name)	ZERTOCOI
Signature	Signature	
Address	(Type or Print Name)	
City and State	Signature	
Attorney for Petitioner:	3907 HAX	FORD RS 882921.1
(Type or Print Name)	Address  MM FO M	FORD RS 8829266 Phone No. 21234
Signature	City and State	2
Address	Name, address and phone r tract purchaser or represe	number of legal owner, con- ntative to be contacted
City and State	Name	
Attorney's Telephone No.:	Address	Phone No.



-5-

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.

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92-182-SPHA

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marks:	
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111 West Chesapeake Avenue

Towson, MD 2120 i

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## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

887 3353

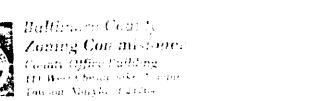
home on the aforesaid propert known as 4242 Cardwell Avenue

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN,

Baltimore County
Zoning Commissione. Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204



Please Make Checks Payable To. Baltimore County . T

Zoning Plans Advisory Committe Coments

Date:November 12, 1991

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

887-3353

111 West Chesapeake Avenue

Towson, MD 21204

November 12, 1991

Baltimore County Government Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Mr. Philip E. Bertoldi 8907 Harford Road Baltimore, MD 21234

RE: Item No. 172, Case No. 92-182-SPHA Petitioner: Philip E. Bertoldi Petition for Special Hearing

Dear Mr. Bertoldi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

> Philip 2. Bertoldi 5907 Harford Road

Baltimore, Maryland 21234

CASE NUMBER: 92-182-SPHA NE/S Cardwell Avenue, 1094' from c/l Belair Road 4242 Cardwell Avenue 14th Election District - 6th Councilmanic Petitioner(s): Philip E. Bertoldi

Dear Petitioner(s):

Please be advised that \$ /20.70 is due for advertising and posting of the above captioned THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

887-3353

Baltimore County Governme Office of Zoning Administration and Development Management Office of Planning & Zoning

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:

NOTICE OF HEARING

NE/S Cardwell Avenue, 1094' from c/l Belair Road 4242 Cardwell Avenue 14th Election District - 6th Councilmanic Petitioner(s): Philip E. Bertoldi HEARING: WEDNESDAY, NOVEMBER 27, 1991 at 2:00 p.m.

Variance to allow a minimum lot width of 50 feet in lieu of the required 55 feet for property of contigous ownership within a year. Special Hearing to approve the erection of a 24 ft. x 28 ft. rancher home on the aforesaid property known as 4242 Cardwell Avenue.

Zoning Commissioner of Baltimore County

111 West Chesapeake Avenue Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 25th day of October, 1991.

ARNOLD JABRON
DIRECTOR

Received By:

Chairman, Zoning Plans Advisory Committee

Petitioner: Philip E. Bertoldi Petitioner's Attorney:

92182-594 11/27

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991

This office has no comments for item numbers 172, 192, 194, 195, 196, 197, 198, 199, 200 and 202.

Rahee J. Famili
Rahee J. Famili
Respective Wagineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 4, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Bertoldl Property, Item No. 172

Koss Property, Item No. 192

Pitts Property, Item No. 193

Weimer Propety, Item No. 196

Frey Property, Item No. 197

Goodwin Property, Item No. 198

Pettit Property, Item No. 199

McQuain Property, Item No. 200

Osment Property, Item No. 201

Shapiro Property, Item No. 203

Chaney Property, Item No. 204

Colleran Property, Item No. 207

Fisher Property, Item No. 208

Wilson Property, Item No. 211

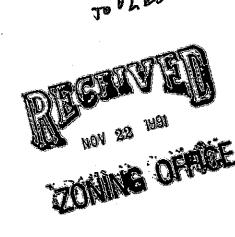
In reference to the petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITMS172/TXTROZ

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
Regarding Case #92-182-SPHA

Dear Mr. L. Schmidt,



The Linover improvement Association monitors variance requests within its boundaries and this case is one. Mr. Philip E. Bertoldi was a resident of Cardwell Ave. He as a home owner kept his property up to the community standards and maintained membership in the association. After selling one of the two lots he owned he left the area. He missed the community and now at an earlier date then he anticipated would like to return and build a home on the lot he owns adjoining the one he sold. We do not view him as a opportunist who buys and sells property for his own gain but rather one who wishes to return to a neighborhood he enjoys.

One of our board members, who resides across the street from the lot Mr.

Bertoldi wishes to build on, has reviewed the plans for the home and finds it compatible with the homes in the area. The lot size is the same for all the homes on the north side of Cardwell Ave. due to a long past land purchase. With the lot size and the building structure being compatible with the community, Mr. Bertoldi is striving to be in harmony with the existing residents. The Linover improvement Association inc. wish to state that we have no objections to Mr.



Baltimore County Governmen Fire Department

Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

OCTOBER 29, 1991

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PHILIP E. BERTOLDI

Location: #4242 CARDWELL AVENUE

Item No.: 172 Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

EVIEWER: Approved Approved Fire Prevention Bureau Special Inspection Division

jk/kek

EALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 20, 1991 Zoning Administration and Development Management FROM: Robert W. Bowling, F.D.

RE: Zaninz Advisory Committee Meeting for Cataber 29, 1981

The Developers Engineering Division has reviewed the subject zening items and we have no comments for Items 172, 180, 182, 183, 184, 185, 186, 187, 188, 189,

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWEIS

PROTESTANT (S)	SIGN-IN	SHEET

, NAME	ADDRESS .
Jerry A. Walls	4240 CARPWELL AVE 21236
Sila (Robband)	4240 Cardwell Que 21236
Some Ville	4244 Cardwell Am 21236
Harris E. Savore	4239 CArdwell Aug 21236
party -	

22	no tim	OT EADT V	PETITIONER (S) SIGN-IN SHEET	

PLEASE PRINT CLEARLY PETITIONER(S)	DIGIN-IN DIGINA
PHILIP EBERTOLDI Lovine Gordon HARRY IMWELD	8907 HARFORD RO 21234 215 Leslie Ave Balto. Md. 21243 CARDWELL 40A 21236

November 24, 1991

Movember 24, 1991

RE: CASE NUMBER 92-182-SPHA

On Wednesday, November 27, 1991, at 2:00 p.m., a hearing will be held to decide whether to allow construction of a 24" x 28" modular rancher on a 50 foot lot known as 4242 Cardwell Avenue. The law states that in order to build in a residential neighborhood, the lot must be 55 feet in width. The owner is asking for a variance to this 55 foot law.

We the people listed below, are opposi	ition to the above.
China W. Posvers (	Walshie Crouse
Vand Vark	John Dun
Valirie Letts	1 Kinda Knudom
ed Joth	Dario E Scheerer
Helen & Potter	Da Ciones
Leloras Loth	Care to Lotsor
Kup Fahr	Ausa (Fullam)
Turm d. Wellelaken	
Chiles Mektsky	
Tobal Sinest	
Norther W. Ramile	
TOO A IL d /O	

Mendy Braum

Willy Ridgeway

Helen Kilgway

Helen Kilgway

Helen Ridgeway

Helen Ridgeway

Jene L. Aggree

Honory F. Lypa

LOT 40

November 21, 1991

Judith A. Nixon 4238 Cardwell Avenue Fullerton, Maryland 21236

Baltimore County Board of Zoning Commissioners County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Case No. 92-182-SPHA

Dear Sir/Madam:

I am writing this letter to announce my opposition to the proposed zoning variance for the lot known as 4242 Cardwell Avenue. Please take a moment to review my reasons for this opposition as listed below:

- 1] The proposed ranch style 24 x 28 ft. dwelling is not compatible with the other homes on this street which are large victorian or cape cod style. Most homes have fairly large front and back yards.
- 2] Three vacant homes are currently present on this street. I question the ability to sell such a small dwelling in the future.
- 3] The awkward position of this building would depress the value of the surrounding homes.

I am sure the builder could find a more suitable lot in the vicinity, instead of cramming a single residence dwelling in this family oriented community. Thank you for your attention in this matter.

Sincerely yours,

Judith A. Nixon, Homeowner

November 23, 1991

Baltimore County Board of Zoning Commission county Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Case Number 92-182-SPHA

We are writing this letter to express our opposition of the variance for the property known as 4242 Cardwell Avenue, as well as the erection of the 24' x 28' rancher home on this property.

We are the current owners of 4240 Cardwell Avenue, therefore owning the property adjoining the lot in question. We have many substantial reasons for opposing the variance and construction of the new home. They are as follows:

- 1. Knowing the owner of the property known as 4242 Cardwell Avenue, he has told us of many other properties he owns and rents as investments along with the property in question. We bought 4240 Cardwell Avenue in February of 1991. At that time, the owner, Philip Bertoldi told us that he had purchased the property approximately 3 years ago. During his ownership he divided the property (which combined 4240 and 4242 Cardwell Avenue), into 2 separate lots. He then sold 4240 Cardwell Avenue soley and retained 4242 Cardwell Avenue as his investment. Seeing his trend of investments in property (located in Baltimore and in California), we can only feel that Mr. Bertoldi will use this property to build and re-sell, as he has in the past.
- 2. There are 3 vacant houses on this avenue. If it was his wished to want to move back to Cardwell Avenue, there are plenty of other options.
- 3. There is one chain link fence surrounding the 2 properties (4240 & 4242 Cardwell Avenue). As construction takes place, how can our property be protected against tresspassers, construction workers, construction materials, noise, and the dangers that arrive from ground digging. We have also have 2 witnesses that have told us that Philip Bertoldi has, on some occassion, been seen walking around our property (4240 Cardwell Avneue), and our house. (Debbie Walls [Jerry Walls' sister], who was living with us from February until September, and our neighbors Judy and Edna at 4238 Cardwell Avenue).
- 4. During construction, We're sure that gas lines, water lines and who knows what else, will have to be dug up in order to supply the new home with these utilities. There are 2 children that live at 4244 Cardwell Avenue and whoe play outside of the fense on the sidewalk. Also there are dozens of other children who ride their bikes, and many families who walk dogs, or just take a leisurely walk almost every day. How will this construction affect their right to be protected on the very street they live on.

State Department of Assessments and Taxation Baltimore County Office, J. Carroll Mueller, Supervisor

May 6, 1988

Bertoldi, Philip E. 4240 Cardwell Avenue Baltimore, Maryland 21236

Dear Mr. Bertoldi:

We are writing to you in reply to your letter received April 15, 1988 and your telephone conversation with Mrs. Sanders of our office regarding the erroneous combination of two of your properties into one account.

We have separated Property Number 21-00-002972 into two accounts retaining the original account numbers, 14-07-059501 and 14-07-059500 as follows:

> 14-07-059501 "Hawthorne: 9:045 Pt. Lt. 40 NS Cardwell Ave. Land - 5850 FCV Total 5850 FCV

14-07-059500 "Hawthorney 9:045 Pt. Lt. 39 NS Cardwell Ave. 17550 Land -Improvements 42640 Total --- 60190 FCV

We regret these accounts were erroneously combined and any inconvenience we may have caused you. If you have any questions or we may be of further assistance, please contact our office.

Very truly yours Field Supervisor

County Court House / Towson, Maryland 21204 / Phone: 494-3681

23106

of ground and pramises above described and mentioned and tether with the rights privileges appurtenances and advensiming unto and to the proper use and benefit of the eald Then its successors and assigns in fee-simple , part hereby covenent that they have not done or suffered ; whatmoever to encumber the property hereby conveyed that coperty granted and that they will execute such further

> William H Warehine (Seal) Grace I Warehine

State of Maryland City of Baltimore to wit: I Hereby Certify That on this 7th day of February in the year one thousand nine hundred and thirty-one before me the subscriber a Notary Public of the State of Maryland in and for aforesaid personally appeared William H Wareheim and Grace I Wareheim his wife , the above named granters and they acknowledged the foregoing Deed to be their act As Witness my hand and Notarial soul

Notary Public Joseph L Leitzer (Notarial Seal) Recorded Feb 20 1931 at 1 P M and Exemined per Louis McL Merryman Clerk

equisite

ild granters

This Deed Made this 14th day of February in Centon National Bank between the Canton National Bank of Canton Maryland a body Anton Lewandowski and wife corporate duly incorporated under the laws of the State of Maryland party of the first part and Anton Lewendowski and : Katherine Lewandowski his wife of the City of Baltimore in the State of Maryland parties of

Witnesseth that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable ocneiderations the receipt whereof is hereby acknowledged the said party of the first part doth hereby grant and convey unto the said parties of the second part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple all that lot of ground situate in Ealtimore County in the State of Maryland and described as follows that is to say

Beginning for the same on the scuthwest side of Fowler Avenue at the distance of three. hundred and ninety feet southeasterly from the beginning of the lot of ground described in a Deed from Melson Cardwell to Henry M Mitzell dated April 15 1919 and recorded among the . Land Records of Baltimore County in Liber W P C No 507 Folio 574 etc and running thence south fifty degrees west at right angles to Fowler Avenue one hundred and eighty-three feet thence south forty degrees east parallel with Fowler Avenue five hundred twenty and nineteen one-hundredths feet to the southeasternmost outline of said lot of ground thence binding thereon north thirty-two degrees fifty-four minutes east one hundred ninety-one and fortyfive one-hundredths feet to the southwest side of Yowler Avenue as extended southeasterly fifteen feet more or less to the aforementioned southeasternmost outline themse north forty degrees west binding on the southwest side of Fowler Avenue four hundred sixty-three and ninety-four one-hundredths feet to the place of beginning Containing two and sixty-seven one-thousandths (2.067) acres of land more or less

P. E. Bertoldi 4240 Cardwell Ave. Baltimore, Md. 21236

> Mrs. Sanders **State Dept. of Assessments** Baltimore County, Md.

Dear Mrs. Sanders

In response to our telephone conversation of 4/13/88 please find a copy of the following:

> 1) A letter dated September 11,1987 from Baltimore County to the APL Federal Credit Union advising that a written request from myself is required in order to proceed with the combination of property numbers 14-07-059500, and 14-07-059501.

2) A letter dated April 5,1988 from Baltimore County informing me that said properties had been combined under property number 21-00-002972 at my request.

It is the purpose of this letter to state categorically that I have never approved, requested, or even desired the above mentioned combination. On the contrary, I actively sought to insure the individuality of these two lots when I purchased the property little more than a year ago. As per our telephone conversation, I hereby request that these lots be returned to their former status: listed seperately, with individual property numbers.

No 5

30' BLACKTOP PAYING

CARDWELL AVE.

40' R/W

N 40°W 50.00'

LOT 39

-CONC. BLK.

FRAME DWLG

NO. 4240

COVERED WOODEN PORCH

540°E 50.00'

STEPS

HUDKING HULLEDINTES, INC. 20% EAST JOHN RUAD ROUM . D. SHELL LUILDING TOWSON, MARY INC 21204

LOCATION SURVEY NO. 4240 CARDWELL AVE. LOT 39 4 40 PLAT OF HAWTHORNE P.B. LIKL.9-45 BALTIMORE COUNTY, MARYLAND SCALE: 1"=20" OCT. 3,1986 DEED REF. 5458 - 450 SAVING LEXCEPTING 875 - 159

I HEREBY CENTIFY THAT THE UP THE LIFE A SURVEYED FOR THE PURPOSE OF LUCITING HILL IMPROVEMENTS THEREON AND THAT THE HELFICOVEMENTS ARE LOCATED AS SHUWA

ITEM #:

177

FJUZ

State Department of Assessments and Taxation Baltimore County Office, J. Carroll Mueller, Supervisor

April 5, 1988

Mr. Philip E. Bertoldi 4240 Cardwell Avenue Baltimore, MD 21236

Re: Request for Combination Property Numbers: 14-07-059500 14-07-059501

Dear Mr. Bertoldi:

In accordance with your request, Property Numbers 14-07-059500 and 14-07-059501 have been deleted from our records and the combined description (filed under Liber 7425, Polio Oll6 of the LAND RECORDS OF BALTIMORE COUNTY) will be recorded under Property Number 21-00-002972.

The revised description will be recorded as follows:

Part of Lots 39, 40 Plat Book, 9, Polio 45 North Side Cardwell Avenue

If we may be of further assistance, do not hesitate to contact our

Very truly yours, Joseph L. Mullen

Field Supervisor

JLM:nz

County Court House / Towson, Maryland 21204 / Phone: 494-3681

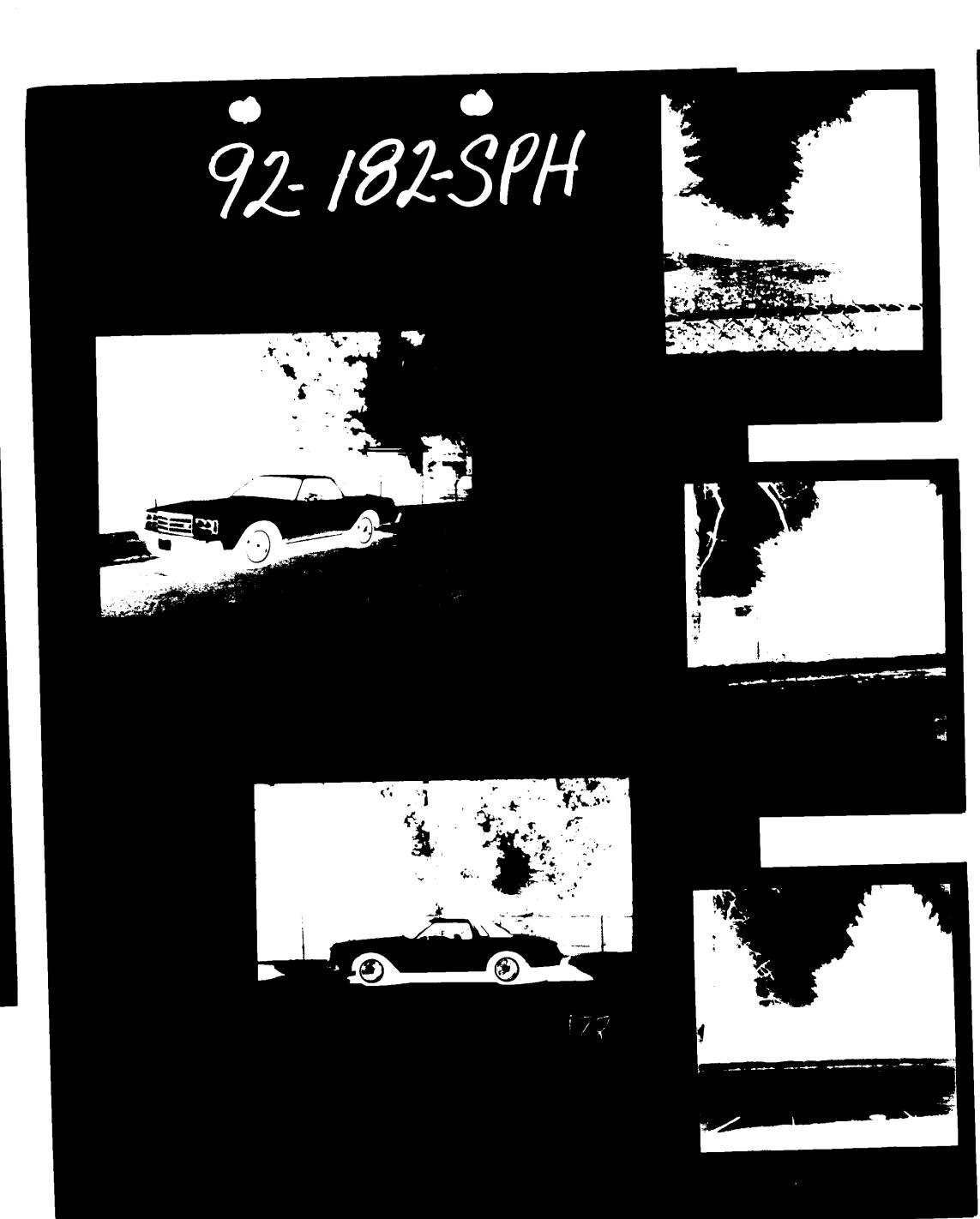
WE THE UNDERSIGNED APPROVE OF MR.
BERTOLDI'S PLANS TO KREET A HOME ON
THE VACANT LOT AT 4242 CARDWELL AV.

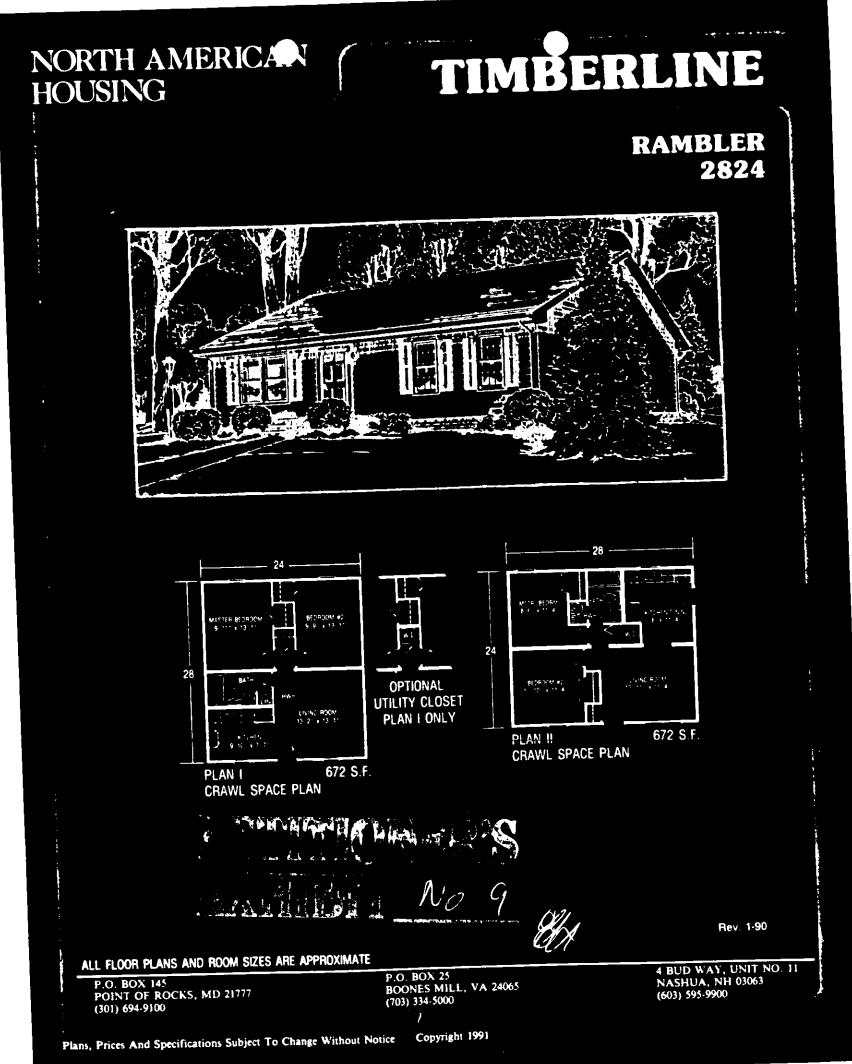
NAME Smedded
Anna L. Le Brun
Theresa M. Wooden
Tharon Redgeway
Elvin & Williams

ADDRESS
4243 Cardwell ave;
4246 Cardwell Ave;
4236 Cardwell Ave;
4237 Cardwell Ave;
4237 Cardwell Ave;
4236 ardwell ave
4248 Cardwell ave.

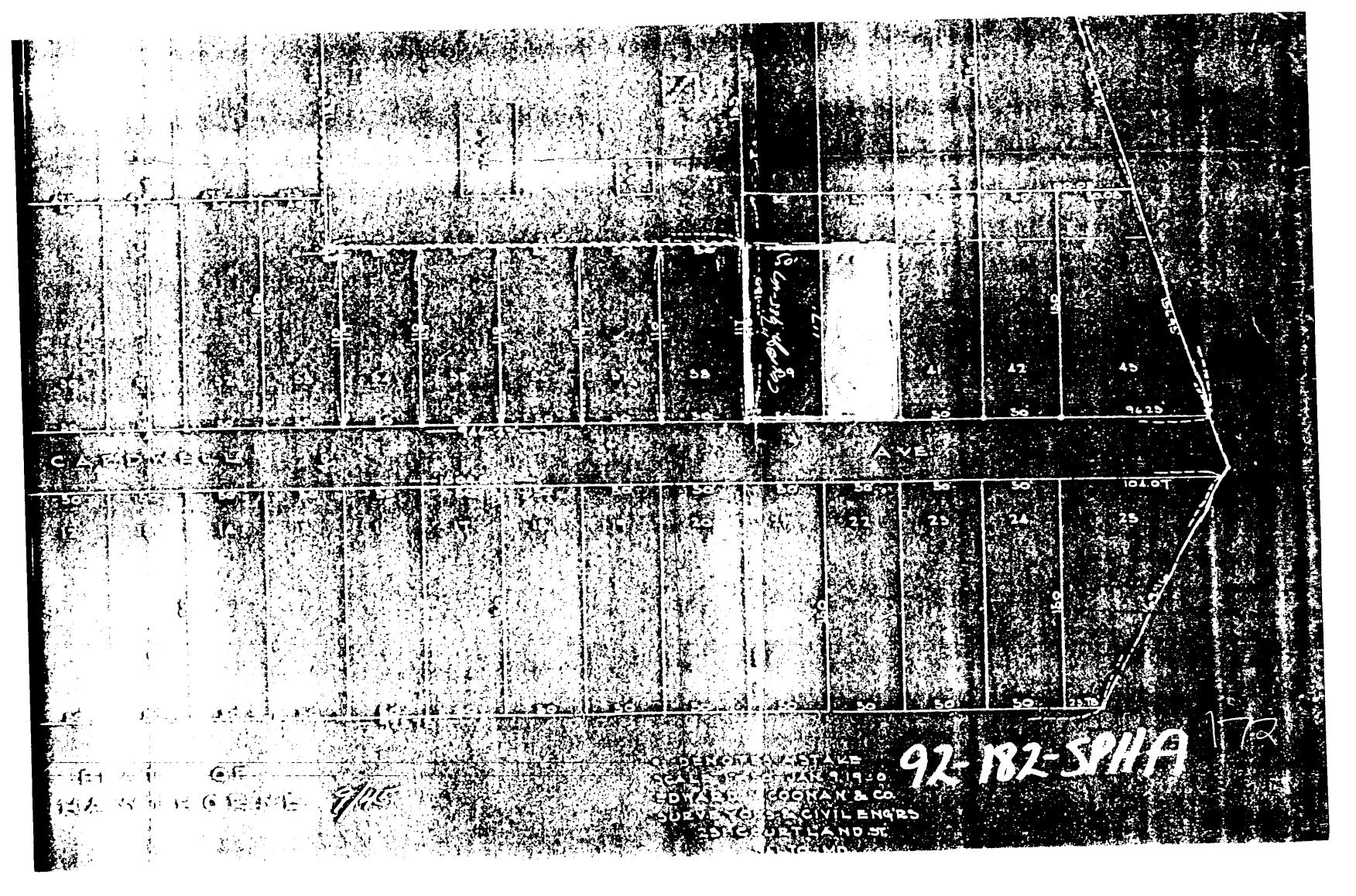
No 6

VACANT 8 4245 CARDWELL









TENCED FROM DRIBINGS - AUGUST 1943

